

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

Case No. 21-cv-12193
Hon. Matthew F. Leitman

ROBERT SAMUEL SHUMAKE, JR., *et al.*,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT
ROBERT SAMUEL SHUMAKE, JR.'S MOTION TO DISMISS THE
COMPLAINT FOR FAILURE TO STATE A CLAIM (ECF No. 14) AND
GRANTING PLAINTIFF LEAVE TO FILE A FIRST AMENDED
COMPLAINT**

On June 9, 2023, the Court held a hearing over video conferencing to hear argument on Defendant Robert Samuel Shumake, Jr.'s Motion to Dismiss the Complaint for Failure to State a Claim (ECF No. 14). For the reasons explained on the record during that hearing, Defendant Shumake, Jr.'s motion (ECF No. 14) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- The motion is **GRANTED** to the extent that it seeks dismissal of Plaintiff's claims against Shumake under Securities and Exchange Commission (SEC) Rule 10b-5(b), 17 CFR § 240.10b-5(b).
- The motion is **DENIED** in all other respects.

Moreover, as further explained on the record, the Court **GRANTS** Plaintiff leave to file a First Amended Complaint by no later than **June 30, 2023**. If Plaintiff decides not to file a First Amended Complaint, it shall file a notice on the docket by no later than **June 30, 2023** informing the Court that it will not be amending its complaint.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 9, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 9, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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